

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB377 by Huffman (Relating to the murder of a child as a capital offense.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code by increasing the threshold age for a charge of capital murder of a child from age six to age 10, and by expanding the conditions for a charge of capital murder to include murdering a disabled person, as defined by the bill, who is under 18 years of age. The bill would take effect September 1, 2011 and apply only to an offense committed on or after the effective date.

The Office of Court Administration anticipates no significant fiscal implication to the State from this bill. The Texas Department of Criminal Justice anticipates no significant fiscal impact from this bill, unless it has an impact on the offender population. Under current law and policy, and under the proposed bill, the average time served in prison by persons likely to be affected by the provisions of this bill is greater than five years. For this analysis, it is assumed the bill would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

Although the increase in the number of individuals prosecuted for capital murder as a result of the bill may be minimal, the fiscal impact to a county in which an indigent defendant is tried could be substantial. According to the Office of Court Administration, the minimum cost of such a case may be as low as \$100,000 but it could exceed \$500,000. This could be a significant cost for smaller counties. However, the fiscal impact would not be as significant to a smaller county that participates in a regional public defender's office.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

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